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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,359	08/29/2003	David W. Grunow	16356.821 (DC-05237)	1316

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EXAMINER
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PAPE, ZACHARY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/652,359

Applicant(s)

GRUNOW ET AL.

Examiner

Zachary M. Pape

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2005 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

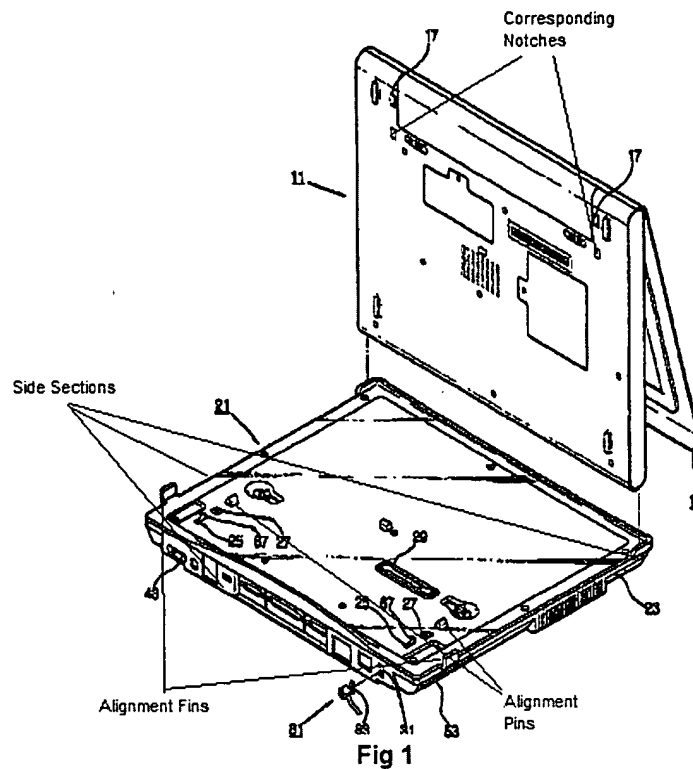
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Won et al. (US 6,744,627).

With respect to claim 10, Won et al. teaches a docking system operable to detachably dock a portable device, the system comprising: a pair of moveable rear latches (67), matching slots (17), a pair of alignment pins (See present office action Fig 1 below) wherein the pair of alignment pins are operable to mate with corresponding notches on the portable device when the portable device is docked, and a plurality of side sections on the docking device (23 as illustrated in Fig 1), at least one of the side sections including an alignment fin (As illustrated in present office action Fig 1 below).

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Won et al. fails to teach that the docking station further comprises movable front latches operable to spread apart in an opposite direction from the movable rear latches when a substantially vertical force is applied to the portable device, and matching front slots, however it would have been obvious to one having ordinary skill in the docking art at the time the invention was made to duplicate the movable rear latches (67) and matching slots (17) of Won et al. and create movable front latches and matching slots which move in a direction opposite of the rear latches [duplicating the rear latches (67) also includes duplicating their operation which in the case of the rear latches means that the latches move outwardly toward the rear and subsequent front latches would mean the operation moves outwardly toward the front thus the set of 4 total latches (2 front and 2 rear) move apart in opposite directions when a substantially vertical force is placed on the portable device] since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Using four latches (2 in the front, and 2 in the rear) further re-enforces the connection and would prevent accidental disconnection between each device. (I.E. in the event that the user were to pickup the coupled device by just the portable device portion (11)).



With respect to claim 11, Won et al. further teaches a substantially planar bottom section (surrounding 29), wherein the pair of moveable rear latches (17) and (duplicated) moveable front latches are affixed to the bottom section (As illustrated in Won Fig 1), wherein the pair of moveable rear latches and moveable front latches are aligned substantially perpendicular to the bottom section (As illustrated in Won Fig 1), a substantially planar top section (surrounding 17) being operative to receive a bottom section of the portable device for docking, wherein the top section includes openings (17) for the pair of moveable rear latches and moveable front latches to permit latching on to corresponding matching slots of the portable device when docked, (Column 5, Lines 28-34) wherein the docking causes the pair of alignment pins included in the top section to mate with the corresponding notches (See present office action Fig 1 above),

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wherein at least one of the side sections includes a release latch (53) operable to undock the portable device.

With respect to claim 12, Won et al. further teaches that the top section includes at least one electrical connector for electrically coupling the portable device to the docking device when docked (Column 3, Lines 48-52).

With respect to claim 13, Won et al. further teaches that applying a vertical force on the portable device causes the pair of moveable rear latches (67) and (duplicated) moveable front latches to be slightly moved in an outwardly or inwardly direction. (Hole 25 allows for the latch (67) to move outward when a vertical force from the computer comes in contact with them as indicated by the slight angle (Best illustrated in Fig 4a) on the hook member of 67).

With respect to claim 14, Won et al. further teaches that the slight movement of the pair of the moveable rear latches and moveable front latches enables the corresponding matching slots to latch in response to the vertical force. (If a vertical force is applied as described in claim 13 above, after the latches are temporarily displaced in the provided groove (25), upon alignment of the matching slots the force on the hook from the spring will allow for the hook to enter into the slot and effectively latch the docking station to the computer).

With respect to claim 15, Won et al. teaches that the hook member (67) is displaced as described in claim 13 above, but fails to teach of a specific value (angle). It would have been obvious to one of ordinary skill in the art at the time the invention was made to displace the hook member (67) by 20 degrees since it has been held that

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discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Displacing the hook member by only 20 degrees will allow for the hook to displace enough to allow it to latch to the mating piece, but will not damage the hook structure (I.E. displacing the hook too much could damage the hook).

With respect to claim 16, Won et al. further teaches that the pair of moveable rear latches and the (duplicated) moveable front latches include a spring mechanism (Fig 4a, 45a(45b), 4b) capable of providing a lateral force to latch the portable device in response to the vertical force, wherein the spring mechanism is in a loaded position while the portable device is being docked and in an unloaded position when the portable device is docked (Column 4, Line 32 – Column 5, Line 52).

With respect to claim 17, Won et al. further teaches that the docking system substantially resembles a rectangular prism.

With respect to claim 18, Won et al. teaches the use of an information handling system (11) comprising: a portable device, wherein the portable device includes: a processor, a system bus, a memory coupled to the processor through the system bus, (all such components are inherent in a computer as described by Won et al.) and a docking device (21) having at least one peripheral device (Column 1, Lines 28-31, Column 5, Lines 61-67), wherein the docking device is operable to detachably dock the portable device (via hooks 67), wherein the docking device includes: a pair each of moveable rear latches (67), wherein the pair of moveable rear latches are operable to latch on to corresponding matching slots (17) of the portable device in response to an

application of a substantially vertical force on the portable device for docking, a plurality of side sections on the docking device (As illustrate in the present office action Fig 1 above), at least one of the side sections including an alignment fin (Present office action Fig 1 above); a pair of alignment pins (See present office action Fig 1 above), wherein the pair of alignment pins are operable to mate with corresponding notches (See present office action Fig 1 above) on the portable device when the portable device is docked, and a connector (29) to electrically couple the processor and the at least one peripheral device when the portable device is docked (Column 3, Lines 49-52).

Won et al. fails to teach the use of moveable front latches and matching slots on the portable device which spread apart in an opposite direction to the rear latches when a substantially vertical force is applied to the portable device, however it would have been obvious to one having ordinary skill in the docking art at the time the invention was made to duplicate the movable rear latches (67) and matching slots (17) of Won et al. and create movable front latches and matching slots which move in a direction opposite of the rear latches [duplicating the rear latches (67) also includes duplicating their operation which in the case of the rear latches means that the latches move outwardly toward the rear and subsequent front latches would mean the operation moves outwardly toward the front thus the set of 4 total latches (2 front and 2 rear) move apart in opposite directions when a substantially vertical force is placed on the portable device] since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Using four latches (2 in the front, and 2 in the rear) further re-enforces the

connection and would prevent accidental disconnection between each device. (I.E. in the event that the user were to pickup the coupled device by just the portable device portion (11)).

With respect to claim 19, Won et al. further teaches that applying a vertical force causes the pair of moveable rear latches (67) and (duplicated) moveable front latches to be slightly moved in an outwardly direction (Hole 25 allows for the latch (67) to move outward when a vertical force from the computer comes in contact with them as indicated by the slight angle (Best illustrated in Fig 4a) on the hook member of 67).

With respect to claim 20, Won et al. further teaches that the pair of moveable rear latches and the (duplicated) moveable front latches include a spring mechanism (Fig 4a, 45a(45b), 4b) capable of providing a lateral force to latch the portable device in response to the vertical force, wherein the spring mechanism is in a loaded position while the portable device is being docked and in an unloaded position when the portable device is docked. (Column 4, Line 32 – Column 5, Line 52).

With respect to claim 21 Won et al. teaches the use of an information handling system comprising: a portable device (11), wherein the portable device includes: a chassis, a microprocessor mounted in the chassis, a storage device coupled to the microprocessor (inherently a computer must contain a chassis, a microprocessor, and a storage device), and a docking device (21) having at least one peripheral device (Column 1, Lines 28-31, Column 5, Lines 61-67), wherein the docking device is operable to detachably dock the portable device (via hooks 67), wherein the docking device includes: a pair each of moveable rear latches (67), wherein the pair of

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moveable rear latches are operable to latch on to corresponding matching slots (17) of the portable device in response to an application of a substantially vertical force on the portable device for docking, a plurality of side sections (See present office action Fig 1 above) on the docking device, at least one of the side sections including an alignment fin (See present office action Fig 1 above) a pair of alignment pins (See present office action Fig 1 above), wherein the pair of alignment pins are operable to mate with corresponding notches (See present office action Fig 1 above) on the portable device when the portable device is docked, and a connector (29) to electrically couple the processor and the at least one peripheral device when the portable device is docked (Column 3, Lines 49-52). Won et al. fails to teach the use of moveable front latches and matching slots on the portable device which spread apart in an opposite direction to the rear latches when a substantially vertical force is applied to the portable device, however it would have been obvious to one having ordinary skill in the docking art at the time the invention was made to duplicate the movable rear latches (67) and matching slots (17) of Won et al. and create movable front latches and matching slots which move in a direction opposite of the rear latches [duplicating the rear latches (67) also includes duplicating their operation which in the case of the rear latches means that the latches move outwardly toward the rear and subsequent front latches would mean the operation moves outwardly toward the front thus the set of 4 total latches (2 front and 2 rear) move apart in opposite directions when a substantially vertical force is placed on the portable device] since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193

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USPQ 8. Using four latches (2 in the front, and 2 in the rear) further re-enforces the connection and would prevent accidental disconnection between each device. (I.E. in the event that the user were to pickup the coupled device by just the portable device portion (11)).

With respect to claims 1-9, the method steps recited in the claims are inherently necessitated by the device structure as taught by the Won et al. reference as disclosed above.

### ***Response to Arguments***

3. Applicant's arguments filed 9/26/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the present case, the examiner has clearly demonstrated that the use of 4 latches to connect a portable device to a docking device is not unique to the present invention as demonstrated by the Hamamoto reference. Additionally the examiner cites patents to Takahama (US 6,119,184), Herron et al. (US 5,030,128) and Maeda (US

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6,697,252) which all further illustrate the conventionality of utilizing four latches to attach a portable device to a docking device. Such teachings clearly show that the present invention is not unique nor non-obvious over other prior art, and further strengthens the examiners assertion that the examiner used proper hindsight since using 4 latches to attach the two electronic devices is well known to one of ordinary skill in the art.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the present case, the examiner has cited that the motivation to duplicate the latches of Won et al. to produce 4 latches is to prevent accidental disconnection between each device. In other words by using 4 latches, the portable device (11) of Won et al. is better connected to the docking device (23) such that if, for example, the connected devices were turned upside down, the portable device (11) would not release from the front of the docking device as is the present case thus preventing damage to one or both devices. Additionally, the examiner recognizes the applicants' cited case law to ACS Hospital Systems, Inc. v. Moneffore Hospital, and asserts that the examiner clearly sets forth, "incentive supporting the combination" (i.e. to reduce the risk of damage associated with the two devices being connected by only two latches) as required by the cited case law.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,119,184; US 5,030,128; US 6,697,252 all further teach multiple latching devices.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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 ANATOLY VORTMAN  
PRIMARY EXAMINER